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March 15, 2022

VIA ECF

The Honorable Jesse M. Furman
United States District Court, Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *INTL FCStone Markets, LLC v. Agro Santino OOD* (No. 1:20-cv-2658-JMF)

Dear Judge Furman:

On behalf of plaintiff/counterclaim defendant INTL FCStone Markets, LLC (“FCStone”), and defendant/counterclaim plaintiff Agro Santino OOD (“Agro”) (collectively the “Parties”), the Parties submit this joint letter to respectfully request that the Court extend the fact discovery deadline to April 15, 2022. The Parties further request that the pretrial conference set for March 31, 2022, be adjourned to a date following the end of fact discovery.

The original deadline for the close of fact discovery was November 12, 2021. On July 29, 2021, at the request of the Parties, Your Honor referred this case to the Court-annexed Mediation Program and granted an extension of all deadlines by 60 days. (ECF Nos. 51, 52). Consequently, the fact discovery deadline was January 11, 2022. On November 24, 2021, at the request of the Parties, Your Honor extended the deadline to complete fact discovery to March 25, 2022. (ECF Nos. 65, 66). The Parties’ next appearance before the Court is scheduled for March 31, 2022, at 3:30 p.m.

The Parties respectfully request an extension to the current fact discovery deadline to April 15, 2022, and an adjournment of the March 31, 2022, pre-trial conference, to provide the Parties with the necessary time to complete discovery, including responses to newly submitted document requests by Agro and conduct depositions with foreign party and non-party witnesses. On February 25, 2022, Agro served a further request for documents as to an additional custodian, which they would also like to depose. Responses and objections to that new request are due March 25 (the end of current fact discovery), and documents would need to be produced prior to that deponent, or other FCStone deponents, depositions.¹ The parties also have encountered challenges to scheduling the depositions because Agro’s witnesses require the assistance of translators during their depositions, numerous documents produced require translation, Agro’s 30(b)(6) witness has been unavailable for a medical issue, there is a seven-hour time difference between New York and Bulgaria, and further documents need to be reviewed and produced prior to depositions of FCStone’s deponents as a result of Agro’s last discovery request. *See S.E.C. v. Waldman*, No. 17

¹ FCStone is working quickly to provide written response and a production of non-duplicative, relevant documents.

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CV 2088 (RMB), 2018 WL 11221233, at *1 (S.D.N.Y. Sept. 12, 2018) (modifying scheduling order for “good cause” under Rule (16)(b)(4) to permit time to conduct foreign discovery); *City of Almaty, Kazakhstan v. Ablyazov*, No. 15–CV–05345 (AJN) (KHP), 2018 WL 2148430, at *3 (S.D.N.Y. May 10, 2018) (noting “the need for extraterritorial discovery” is an “unavoidable obstacle[] faced by the parties in obtaining discovery that may necessitate a longer discovery schedule”).

Respectfully submitted,

/s/ Marc A. Silverman
Marc A. Silverman

cc: All counsel of Record via ECF

Application GRANTED. The deadline for completion of fact discovery is hereby EXTENDED to April 15, 2022. The pretrial conference scheduled for March 31, 2022, is hereby ADJOURNED to **April 21, 2022, at 4:00 p.m.** Counsel should note that further requests for an extension of these deadlines are unlikely to be granted. The Clerk of Court is directed to terminate ECF No. 74. SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over a light blue horizontal line.

March 15, 2022